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BSH HOME APPLIANCES CORPORATION  
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EXAMINER
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WALDBAUM, SAMUEL A

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL ROSENBAUER and MARTIN STICKEL

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Appeal 2010-004643  
Application 10/583,700  
Technology Center 1700

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Before PETER F. KRATZ, CATHERINE Q. TIMM, and  
DEBORAH KATZ, *Administrative Patent Judges*.

TIMM, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 13-16, 18-20, and 22-24. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

The claims are directed to an electric interface for water-bearing household devices, such as dishwashers and washing machines (Spec. ¶ [001]). Claim 13, reproduced below, is illustrative of the claimed subject matter:

13. An electric interface for water-bearing household devices comprising:

an electronic circuit board for operatively mounting to the water-bearing household device;

a program control;

at least one magnetic valve mounted to the circuit board in fluid communication with a liquid line of the water-bearing household appliance for controlling the flow of liquid therethrough; and

at least one electronic component for controlling the at least one magnetic valve with the at least one electronic component being a valve controller embodied in a microprocessor mounted to the circuit board and integrated into a component group that is connected to the program control.

Both the magnetic valve (2) and the corresponding microprocessor (6) for controlling the magnetic valve are mounted on the circuit board (1) (Claim 13; Spec. ¶ [019]; Fig. 1). According to the Specification, such valves were previously built into the water-bearing components rather than

mounted on a circuit board with the controller components (Spec. ¶¶ [002-03]).

The Examiner maintains, and Appellants appeal, the following rejections:

- A. The rejection of claims 13-16 under 35 U.S.C. § 103(a) as unpatentable over Richmond<sup>1</sup>;
- B. The rejection of claims 18-20 and 22-23 under 35 U.S.C. § 103(a) over Richmond in view of Hengelein<sup>2</sup>; and
- C. The rejection of claim 24 under 35 U.S.C. § 103(a) over Richmond, Hengelein, and further in view of Faunce<sup>3</sup> and Roese<sup>4</sup>.

#### OPINION

The dispute in this case centers on the teachings of Richmond and what those teachings would have suggested to one of ordinary skill in the art. The question is: Has the Examiner provided a factual basis for the conclusion that it would have been obvious to one of ordinary skill in the art to have mounted the magnetic valve structure of Richmond to a circuit board?

We answer that question in the negative.

Richmond describes a water valve assembly having a temperature and pressure sensing device integrated therein (Richmond, col. 1, ll. 7-10). As

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<sup>1</sup> Richmond et al., US 5,873,518, issued Feb. 23, 1999.

<sup>2</sup> Hengelein et al., US 2004/o140677 A1, pub. Jul. 22, 2004.

<sup>3</sup> Faunce, US 6,319,015 B1, issued Nov. 20, 2001.

<sup>4</sup> Roese, US 2005/0106924 A1, pub. May 19, 2005.

can be seen in the top elevation view of the water valve shown in Richmond's Figure 2, the water valve assembly 12 includes electrical terminals 48 and 50. These terminals deliver electric current to magnetic valves, i.e., cold water valve 30 and hot water valve 32, respectively as shown in Figure 3 (Richmond, col. 2, ll. 48-49 and col. 3, l. 66 to col. 4, l. 1). The water valve assembly further includes a sensing device 72 having output terminals 78 that deliver electrical signals to an electronic control circuit 92 (Richmond, col. 5, ll. 19-28; Figs. 6-7, and 10).

The block diagram of Figure 10 shows the electrical signal line connections between the sensing device 72 of Figure 6, the electrical control circuit 92, and the valves 30 and 32 (Richmond, col. 2, ll. 65-67; col. 6, ll. 19-34; and col. 7, ll. 4-35). Another signal line 130 is electrically coupled to a motor 132 (Fig. 10; col. 7, ll. 44-49).

The Examiner seems to conclude that electronic control circuit 92 shown in Figure 10 is a circuit board (Ans. 5-6 at ¶ 8). However, we agree with Appellants that what is depicted at 92 in Figure 10 is not disclosed as a circuit board. Nor does Figure 10 purport to show the physical location of the devices outside the circuit 92, i.e., the sensor, valves, and motor, in relation to a circuit board. Figure 10 is merely a simplified block diagram (Richmond, col. 2, ll. 65-67).

In fact, the dashed line around circuit 92 seems to indicate that the sensor, valves, and motor, are spaced apart from the electrical control circuit 92 (Fig. 10).

The only discussion of just where those of ordinary skill in the art would have conventionally placed the valves is Appellants' discussion of the prior art, which indicates that the valves were normally built into the water-

bearing components, and not mounted on the control circuit board (Spec. ¶¶ [002-03]).

Any suggestion to mount the valves to the control circuit board comes only from Appellants' own Specification. The rejection appears to rely upon improper hindsight. *See W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed.Cir.1983) ("To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.").

The Examiner's application of the further references fails to cure the defect discussed above.

#### CONCLUSION

We do not sustain the Examiner's rejections.

#### DECISION

The Examiner's decision is reversed.

#### REVERSED

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